

## **EXHIBIT A**

FILED

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE2006 OCT 20 PM 11:03  
U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re: ) Chapter 11  
           )  
           )  
           )  
 W.R. GRACE & CO., *et al.*<sup>1</sup> ) Case no. 01-01139 (JKF)  
           )  
           )  
 Debtors      ) (Jointly Administered)  
           )  
           )  
           ) Re: Docket Nos. 13327 and 13351

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**COUNTER-DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON  
 APPEAL OF APPELLEES REGARDING THE BANKRUPTCY COURT'S (A)  
 INTERIM ORDER PURSUANT TO BANKRUPTCY CODE SECTION 1121(D)  
 EXTENDING DEBTORS' EXCLUSIVE PERIODS IN WHICH TO FILE A CHAPTER  
 11 PLAN AND TO SOLICIT VOTES THEREON AND (B) ORDER PURSUANT TO  
 BANKRUPTCY CODE SECTION 1121 (D) EXTENDING DEBTORS' EXCLUSIVE  
 PERIODS IN WHICH TO FILE A CHAPTER 11 PLAN AND TO  
SOLICIT VOTES THEREON**

Appellees, the above-captioned debtors and debtors-in-possession (the "Debtors"), by their counsel, pursuant to Federal Rule of Bankruptcy Procedure 8006, in connection with the Appellants' Notice of Appeal [Docket No. 13327 filed on September 29, 2006] of the

1 The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-1 Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace II, Inc., Creative Food 'N Fun Company, Darez Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp., Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homeo International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc.), Grace JVH, Inc., Asbestos Management, Inc., Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

13451  
10/23/06

Bankruptcy Court's Interim Order Pursuant To Bankruptcy Code Section 1121(d) Extending Debtors' Exclusive Periods In Which To File A Chapter 11 Plan And To Solicit Votes Thereon, entered in these cases on September 19, 2006, docket number 13257 (the "Interim Order") and the Amended Notice of Appeal [Docket No. 13351 on October 3, 2006] of the Interim Order and the Bankruptcy Court's Order Pursuant to Bankruptcy Code Section 1121(d) Extending Debtors' Exclusive Periods In Which To File A Chapter 11 Plan And To Solicit Votes Thereon, entered in these cases on October 3, 2006, docket number 13345, set forth this Counter-Designation of Items to be Included in the Record on Appeal.

In preparing this Counter-Designation of Items to be Included in the Record on Appeal, the Appellees reviewed the Appellants' Designation, which consisted of 3,373 documents. The majority of these documents do not relate to the issue of an exclusivity extension under section 1121(d) of the Bankruptcy Code, which is the subject of the Orders being appealed. Thus, the Appellees do not understand why most items have been designated. Appellees have reviewed the dockets of the main bankruptcy case, Case No. 01-1139, which consists of approximately 13,300 documents, and the dockets of two adversary proceedings, Case Nos. 01-771 and 02-2210, which collectively consist of approximately an additional 1,100 documents, from which Appellants have designated the above-referenced 3,373 documents. Appellees have done their best to counter-designate potentially relevant documents not designated by Appellants which relate to the 3,373 documents that have been designated by Appellants. However, since Appellants have designated thousands of items that do not appear to relate in any way to the issues on appeal, the Appellees, with the District Court's permission, hereby reserve the right to supplement the record on appeal after Appellants file their opening brief. This supplement would pertain solely to additional documents that relate to any of the thousands of documents

designated by Appellants that currently appear to be irrelevant, but to which Appellees may refer in the opening brief. Appellees do not want to overburden the District Court at this time with thousands of additional documents unless it is absolutely necessary based on Appellants' arguments.

**A. Case No. 01-01139 (JKF) IN RE: W.R. GRACE & CO., ET AL., DEBTORS**

EXHIBIT	ENTRY DATE	DOCKET NO.	DOCUMENT
1.	4/25/2001	150	Affidavit of Thomas M. Sobol, Esq., in Support of Motion for Relief from Stay of Paul Price, Individually & as Proposed Class Representative in Liability Litigation
2.	5/9/01	222	Transcript of Hrg. 5/3/01
3.	5/14/2001	262	Proceeding Memo of Hrg. 5/3/01
4.	5/14/2001	263	Proceeding Memo of Discussion re Course of Litigation
5.	6/27/2001	595	Exhibits to Motion to Establish Bar Date, et al. & Memorandum
6.	7/11/2001	659	Unsecured Creditors' Committee's Opposition to Joint Motion to Prosecute Fraudulent Transfer Claims
7.	8/20/2001	798	Motion for an Order Pursuant to 11 U.S.C. § 1121(d) Extending Debtors' Exclusive Periods in Which to File a Chapter 11 Plan and Solicit Votes Thereon
8.	9/10/2001	903	Affidavit of Mark Peterson in Support of Opposition of the Official Committee of Asbestos Personal Injury Claimants to Debtors' Motion for Entry of a Case Management Order, Establishment of a Bar Date, Approval of the Proof of Claim Forms and Approval of Notice Program
9.	11/12/2001	1108	Declaration of Daniel L. Rourke, Ph.D. re Debtors' Motion for Leave to File Omnibus Reply in Support of Their Case Management Motion
10.	11/29/2001	1269	Letter Dated 11/29/01 to Debtors' Counsel from Judge Judith K. Fitzgerald
11.	12/14/2001	1438	Transcript of Hrg. 11/5/01
12.	2/15/2002	1677	Notice of Filing Debtors' Brief Regarding Bar Date and Class Notice
13.	6/28/2002	2304	Letter to Court enclosing Motion for Leave to File Appeal and Notice of Appeal Filed by Zonolite Attic Insulation Class Plaintiffs
14.	1/16/2003	3257	Debtors' Fourth Motion for an Order Extending Debtors' Exclusive Periods in Which to File a Chapter 11 Plan and to Solicit Votes Thereon
15.	4/21/2003	3688	Status Report Pursuant to Court's Order Dated

			March 31, 2003 Filed by the Debtors
16.	10/13/2003	4575	Application of the Debtors Pursuant to 11 U.S.C. §§ 105, 327 and 524(g)(4)(B) for the Appointment of C. Judson Hamlin as Legal Representative for Future Claimants
17.	11/3/2003	4659	Debtors' Request to Hold in Abeyance Their Application to Appoint C. Judson Hamlin as Legal Representative for Future Claimants
18.	5/24/2004	5638	Order of Recusal, consistent with the Writ of Mandamus signed on 5/24/2004
19.	6/14/2004	5808	Debtors' Motion Pursuant to Sections 105(a), 362, 363, 502 for Dispute Resolution Program to Liquidate Certain Prepetition Claims
20.	7/21/2004	6009	Order Granting Limited Waiver For the Purpose of Streamlining Objections to Certain Claims Filed Pursuant to the Bar Date Order
21.	8/30/2004	6275	Amendatory Order Requiring the Filing of Statements Pursuant to Fed R. Bankr. 2019
22.	10/13/2004	6602	Transcript of Hrg. 9/30/04
23.	10/14/2004	6642	Debtors' Motion for Leave from this Court's November 25, 2003 Scheduling Order and to Shorten Notice Period of Debtors' Motion for Entry of an Order Extending the Time Within Which the Debtors Must File a Chapter 11 Plan
24.	10/15/2004	6644	Order Granting Motion to Shorten Notice Period of Debtors' Motion for Entry of Order Extending the Time Within Which the Debtors Must File a Chapter 11 Plan
25.	10/20/2004	6678	Future Claimants' Representative's Statement in Support of Debtors' Motion to Extend Time Within Which the Debtors Must File a Chapter 11 Plan
26.	10/25/2004	6715	Revised Order Requiring the Filing of Statements Pursuant to Fed. R. Bankr. P. 2019
27.	11/9/2004	6853	Order Establishing an Alternative Dispute Resolution Program and to Permit the Debtors to Liquidate Certain Prepetition Claims
28.	11/15/2004	6933	Debtors' Motion for Entry of an Order Authorizing the Appointment of Raymond G. Thieme, Jr. as the Mediator for the Debtors' ADR Program
29.	11/29/2004	7042	(Copy from District Court) Memorandum Regarding Order Appointing David Austern as Future Claimants' Representative
30.	11/29/2004	7043	(Copy from District Court) Order Denying Appellants' Appeal of Bankruptcy Court's Order

			Appointing David Austern as Future Claimants' Representative
31.	12/6/2004	7104	Notice of Intent to Object to Claims on the Basis of Materially Insufficient Supporting Information and Opportunity to Supplement Claims
32.	12/15/2004	7190	Debtors' Suggestion to the Court of Protocol for Proceedings for the January 21, 2005 and the January 24, 2005 Hearings Scheduled in These Cases
33.	1/24/2005	7611	Order (Final) Pursuant to Sections 105(a), 362(a), and 541 of the Bankruptcy Code (A) Limiting the Transfer of Equity Securities of the Debtors and (B) Approving Related Notice Procedures.
34.	5/12/2005	8417	Order Approving a Settlement Agreement and a Remediation Agreement Concerning the Hatco Site and Approving an Associated Professional Service Agreement and Authorizing Transactions Thereunder
35.	5/17/2005	8447	Order Approving Stipulation and Order Resolving Certain Claims of the Massachusetts Department of Environmental Protection
36.	5/17/2005	8448	Protective Order Governing Discovery for Purposes of Estimating the Debtors' Asbestos Property Damage Liability
37.	6/28/2005	8705	Objection to the Motion of the State of Montana for Relief from the Automatic Stay Filed by the Official Committee of Unsecured Creditors
38.	6/28/2005	8707	Objection to the Motion of the State of Montana for Relief from the Automatic Stay filed by the Official Committee of Asbestos Property Damage Claimants
39.	6/28/2005	8708	Objection to the Motion of the State of Montana for Relief from the Automatic Stay filed by the Debtors
40.	6/29/2005	8742	Order Approving, Authorizing, and Implementing Settlement Agreement by and among the Plaintiffs, Sealed Air Corporation and Cryovac, Inc.
41.	6/29/2005	8747	Joinder in the Debtors' Objection to the Motion of the State of Montana for Relief from the Automatic Stay filed by the Official Committee of Asbestos Personal Injury Claimants
42.	9/19/2005	9465	Complaint for Declaratory and Injunctive Relief filed by the Debtors against Bradley M. Campbell, Commissioner of the New Jersey Department of Environmental Protection, in his

			official capacity, Peter C. Harvey, Attorney General of New Jersey, in his official capacity
43.	11/10/2005	11033	Order (First) Granting Relief Sought in Debtors' Fifteenth Omnibus Objection to Claims (Substantive)
44.	1/20/2006	11605	Notice of Service re Debtors' Rebuttal Expert Witness Disclosure for Asbestos PD Estimation Phase I
45.	2/3/2006	11718	Notice of Service of Debtors' Preliminary Non-Expert Witness Disclosure for Asbestos PI Estimation
46.	4/5/2006	12206	Affidavit of Katherine Kinsella of Kinsella/Novak Communications Ltd. filed by the Debtors
47.	5/11/2006	12398	(Copy from District Court) Memorandum Granting Motion to Dismiss Appeal (re Civ. Action No. 06-26)
48.	5/11/2006	12399	(Copy from District Court) Order Granting Motion to Dismiss Appeal and Matter is Remanded to the Bankruptcy Court re Civ. Action No. 06-26
49.	7/25/2006	12857	Order Approving Settlement Agreement Regarding Environmental Protection Agency Claims at the Wauconda Site
50.	7/25/2006	12858	Case Management Order (Amended) (Revisions by the Court) for the Estimation of Asbestos Personal Injury Claims
51.	8/23/2006	13047	Order for the Withdrawal and Expungement of 194 Canadian Asbestos Property Damage Claims Lacking Proof of W.R. Grace Product Identification
52.	9/7/2006	13164	Notice of Service of Filing (1) Exhibits to the Affidavit of David M. Bernick, P.C. attached to the Motion of the Debtors and Debtors in Possession Pursuant to Federal Rule of Bankruptcy Procedure 2004 for the Production of Documents and (2) Proposed Form of Order
53.	9/26/2006	13298	Order Approving Quarterly Fee Application Twentieth Period
54.	9/26/2006	13300	Order (Stipulated) Clarifying the Order as to All Pre-Petition Asbestos PI Litigation Claims, Including Settled Claims, (I) Establishing Bar Dates; (II) Approving Notice of Pre-Petition Asbestos Personal-Injury Claims Bar Date

**B. ADVERSARY NO. 02-02210 OFFICIAL COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS AND OFFICIAL COMMITTEE OF ASBESTOS PROPERTY DAMAGE CLAIMANTS OF W.R. GRACE & CO., SUING IN BEHALF OF THE CHAPTER 11 BANKRUPTCY ESTATE OF W.R. GRACE & CO., ET AL. V. SEALED AIR CORPORATION AND CRYOVAC, INC.**

EXHIBIT	ENTRY DATE	DOCKET NO.	DOCUMENT
55.	7/5/2002	77	Answer and Affirmative Defenses of Defendants Sealed Air Corporation and Cryovac, Inc. to United States Complaint in Intervention
56.	7/29/2002	122	Order -- Ordered that the Uniform Fraudulent Transfer Act shall govern this fraudulent conveyance proceeding
57.	10/2/2002	303	Letter Opinion re Cybergenics Opinion

**C. ADVERSARY NO. A-01-771 W.R. GRACE & CO., ET AL., AGAINST MARGARET CHAKARIAN, ET AL.  
AND JOHN DOES 1-100**

EXHIBIT	ENTRY DATE	DOCKET NO.	DOCUMENT
58.	4/19/2001	8	Affidavit of H. Katherine White in Support of Motion for Preliminary Injunction
59.	6/21/2001	55	Affidavit of Bert. L. Wolff, Esq. in Further Support of Motion for Preliminary Injunction
60.	6/20/2002	109	Order Denying Carol Gerard's Motion to Clarify the Scope of the Preliminary Injunction or in the Alternative, to Modify the Preliminary Injunction
61.	9/12/2002	133	Order Denying Motion to Reconsider the Court's Order Denying Motion to Clarify the Scope of the Preliminary Injunction or in the Alternative, to Modify the Preliminary Injunction
62.	12/3/2002	146	Order Denying Carol Gerard's Motion for Reconsideration of June 20, 2002 Order
63.	12/12/2002	148	Order Extending Modified Preliminary Injunction to Include Robert Locke Matter
64.	5/25/2004	204	Order (Modified) Regarding Plaintiffs' Motion to Find Counsel For Gerard in Contempt of Court
65.	7/23/2004	254	Transcript of Hrg. 5/24/04
66.	7/27/2004	255	Order Granting Debtors' Motion to Modify Preliminary Injunction to Allow Third Party Appeals to Proceed
67.	10/12/2004	298	Memorandum Opinion regarding Debtors' Motion to Expand the Preliminary Injunction to Include Actions Against Montana Vermiculite Company
68.	10/12/2004	299	Order Granting Motion to Expand the Preliminary Injunction to Include Actions Against Montana Vermiculite Company
69.	2/28/2005	358	Order (Amended) Granting Motion to Expand the Preliminary Injunction to Include Actions Against Montana Vermiculite Company
70.	8/22/2005	359	Debtors' Motion to Expand Their Preliminary Injunction to Include Actions Against the State of Montana
71.	8/22/2005	360	Motion for Leave to Amend Complaint filed by W.R. Grace & Co., et al.
72.	6/28/2006	388	Order Dismissing Appeal 05-89

Dated: October 20, 2006

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
 )  
W. R. GRACE & CO., et al., ) Case No. 01-01139 (JKF)  
 ) Jointly Administered  
Debtors. )

**CERTIFICATE OF SERVICE**

I, James E. O'Neill, hereby certify that on this 20<sup>th</sup> day of October, 2006, I caused a copy of the following document(s) to be served on the individuals on the attached service list(s) in the manner indicated:

**COUNTER-DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL OF APPELLEES REGARDING THE BANKRUPTCY COURT'S (A) INTERIM ORDER PURSUANT TO BANKRUPTCY CODE SECTION 1121(d) EXTENDING DEBTORS' EXCLUSIVE PERIODS IN WHICH TO FILE A CHAPTER 11 PLAN AND TO SOLICIT VOTES THEREON AND (B) ORDER PURSUANT TO BANKRUPTCY CODE SECTION 1121 (D) EXTENDING DEBTORS' EXCLUSIVE PERIODS IN WHICH TO FILE A CHAPTER 11 PLAN AND TO SOLICIT VOTES THEREON.**

*James E. O'Neill*  
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